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Date set for Smart appeal

DERRY NEWS

Defense claims trial mishandled

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By ED PUFFER
Derry News Staff

The appeal of Pamela Smart, convicted of orchestrating the 1990 murder of her husband, will be heard by the State Supreme Court in Concord on Sept. 15.

In addition, Rockingham County Superior Court will hold sentencing hearings next week for three youths who pleaded guilty for their roles in the conspiracy to kill Gregory Smart.

Smart was convicted in March 1991 of masterminding the murder of her husband, Gregory, in their Derry condominium on May 1, 1990. She is now serving a life sentence at the Goffstown women's facility on three counts: accomplice to murder, conspiracy to commit murder, and witness tampering.

Smart's defense attorney, J. Albert Johnson, filed a motion in State Supreme Court in June to overturn Smart's guilty verdict, claiming that the Superior Court trial was mishandled by Judge Douglas Gray.

In the brief, Johnson argued that the trial should have been postponed, the location of the

trial should have been moved, and the jury should have been sequestered.

Johnson said Judge Gray should have ordered the sequestering, postponement and change of venue because of the intense attention the media was paying to the murder case. Not only did the media's heavy court coverage make Smart's case into a show-trial, it also made it difficult to give Smart a fair trial.

William Flynn, Vance Lattime, Jr., and Patrick Randall, the three teenagers who pleaded guilty to acting out the murder, are scheduled for sentencing hearings next week at the Rockingham County Superior Court in Exeter. The teens worked out plea bargain agreements in exchange for their testimony against Smart, a media instructor at Winnacunnet High School in Hampton, where the teens went to school.

Flynn, 18, who testified that he was Smart's lover and the person who shot Gregory Smart, will face sentencing on Aug. 19. He pleaded guilty to

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Smart appeal to be heard

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second-degree murder on Jan. 28, 1991.

On the same day, Lattime, 19, and Randall, 18, both pleaded guilty to accomplice to second-degree murder.

Raymond Fowler, 20, was sentenced in May to consecutive prison terms of 7½ to 15 years on charges of conspiracy to commit murder and attempted burglary.